

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Cooperation Department – PACS – Transfer of Godowns and land of Cooperative Marketing Society Limited, Medak to the PACS Limited, Medak – Permission – Accorded.

AGRICULTURE & CO-OPERATION (COOP.V) DEPARTMENT

G.O.Rt.No. 1228

Dated 02-11-2011
Read the following:-

- 1.From the President, PACS Limited, Medak dated 15.6.2010 received through Hon'ble Minister Cooperation L&E, Endt.No.552/M(Coop)LE&B/2010, dated Nil.
- 2.From the Commissioner for Cooperation & Registrar of Cooperative Societies, AP., Hyderabad Lr.No.10336/2009/PC-3, dated 16.03.2010.

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ORDER:-

The President, PACS Limited, Medak in his representation first read above, has stated that the PACS Limited, Medak giving long term and short term loans to the farmers of 52 villagers in Medak Mandal as well as farmers of Schedule Tribes and Schedule Castes. The PACS Limited, Medak has obtained license from agriculture Department for distribution of composed fertilizers and pesticides. There is no godown for keeping the fertilizer etc., and the society has taken the godown of the Agricultural Marketing Committee, Medak for rent and paying the rent @ Rs.2,000/- per month. It is very inconvenient to the society for distribution of fertilizers and pesticides etc., the godowns of Cooperative Marketing Society Limited, Medak which is under liquidation are vacant. Hence, he has requested to transfer the godowns to the PACS Limited, Medak immediately and also the society will take responsibility for all liabilities and assets of the C.M.S. Limited Medak including tax payable to the Municipality Medak.

2. The Commissioner for Cooperation & Registrar of Cooperative Societies, AP., Hyderabad in his letter 2nd read above, has stated that the District Cooperative Officer, Medak in his letter No.583/2009-C dt.7.5.2009, 2.1.2010 and 13.1.2011 has reported that the President of Medak PACS submitted proposals for transfer of Godowns and Land of CMS Medak (under liquidation).He has also reported that nine (9) Societies were merged with Medak PACS in the year 2005. The Society is advancing loans to farmers of 52 villages in Medak District and doing fertilizer and pesticide business. During the year 2008-2009, the Society distributed 1140 MTs of fertilizers. At present the society has taken a godown of Agricultural Marketing Committee, Medak on payment of Rs.2000/- per month. As it is inconvenient and the godowns of CMS, Medak are kept idle, the society intends to utilize the godowns of CMS, Medak. The General Body of the Society resolved on 30.9.2008 for transfer of Assets and Liabilities of CMS, Medak.

3. He has also stated that the CMS, Medak is under liquidation as per the FAR for the year 2006-2007, the liabilities and Assets are detailed below:

Liabilities	Rs.5,67,167-13
Assets	Rs.5,45,533-08

4. In addition to the Municipal tax of Rs.2, 75,420/- payable to Medak Municipality, the society has to pay the following dues:

Government loan towards fertilizers	Rs.1,51,860-85
Interest to Government	Rs. 28,479-05
Audit fee	Rs.8,717
Education Fund	Rs.1,663

5. He has further stated that the Liquidator of CMS, Medak has informed that the Medak PACS have remitted Rs.8,717 and Rs.1,663 towards Audit fee and Education Fund of CMS, Medak and pursuing with the Municipal Commissioner, Medak for payment of Municipal taxes under OTS scheme and requested to recommend the case to the Government for transfer of godown and land of CMS, Medak to PACS, Medak.

6. The Commissioner for Cooperation & Registrar of Cooperative Societies, AP., Hyderabad has stated that as per the valuation of Assets issued by the EE(R&B), Siddepet. Division, the value of the open land of CMS, Medak is Rs.18,40,000-00 and value of godown is Rs.4,96,875-00. The value of Assets of CMS, Medak is more than the value of Liabilities. The District Cooperative Officer, Medak informed that as per Section 69-B of the APCS Act, the Registrar has prerogative powers to transfer surplus Assets to any other registered society which is working with a similar object and serving more or less is the area and requested for permission for transfer of Assets and Liabilities of CMS, Medak to PACS, Medak.

7. Further, he has stated that as per the provisions of Section 69-B “Surplus assets as shown in the final report of the Liquidator of a Society which has been wound up shall be utilize for such purpose as may be specified in the bye-laws. Where the Society has no such bye-laws, the surplus assets shall vest in the Registrar who shall hold it in trust and shall transfer it to the reserve funds of a new society registered with a similar object and serving more or less an area which the society to which the surplus belonged was serving”. As the CMS, Medak is still under liquidation, the Government may kindly exempt the society from the provisions of Section 69-B by invoking Section 123 of the Act and accord permission to the Liquidator for, for transfer of Assets and Liabilities of CMS, Medak to Medak PACS, as was done in the case of the Narayankhed, PACS vide G.O.Ms.No.299 A&C (Coop.V) Department dated 14.11.2008. The Medak PACS shall clear all Government dues after transfer of Assets and Liabilities of CMS, Medak, as per the terms decided by the Government and he has requested for necessary instructions in the matter.

8. Government after careful examination of the matter and also in relaxation of the provisions specified under Section 69-B, by virtue of powers vested in Govt. under Section 123 of the APCS Act, 1964 hereby accord permission to the Liquidator, Cooperative Marketing Society Limited, Medak to transfer the Godowns and land to the PACS Limited, Medak after ensuring the discharge of all liabilities since it is functioning with the similar object and serving more or less in the Medak Head Quarters and also clear all the dues.

9. The Commissioner for Cooperation & Registrar of Cooperative Societies, AP., Hyderabad has requested to take immediate action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The President, Medak PACS, Medak District
through the CC&RCS, AP., Hyderabad.
The Liquidator, Cooperative Marketing Society Limited, Medak.
The Commissioner for Cooperation &
Registrar of Cooperative Societies, AP., Hyderabad.
Copy to:
PS to Min(Coop)
PS to Prl. Secy.(AM&C).
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER